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5/6/2004

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TO: Commissioner for Patents

United States Patent and
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703-872-9306

FROM: Sharon M. Sintich

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PATENT APPLICATION
ATTORNEY DOCKET NO.: 19036/37156

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Yamada *et al.*

Serial No: 09/763,836

Filed: June 8, 2001

For: Nucleic Acid Sequences and
Methods for Enhancing
Expression of Useful Gene

Group Art Unit: 1636

Examiner: Sullivan, D.M.

) I hereby certify that this paper and papers
) referred to as being attached, are being
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) 9306) to the Commissioner for Patents,
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Dated: May 6, 2004

Sharon M. Sintich

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AMENDMENT IN RESPONSE TO OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

..... This amendment is in response to a non-final office action mailed February 6, 2004. Claims 26, 33, 34, and 37 are allowed. Claims 21-24, 28-31, 35, 36, 38, 39, 44, 45, 47-53 and 55-65 were variously rejected under 35 U.S.C. § 112, first paragraph and 35 U.S.C. § 102 (b). Reconsideration and withdrawal of the rejections are respectfully requested in light of the following amendments and remarks. This response is timely filed.

Please amend the above-identified U.S. Patent Application as follows:

Amendments to the claims begin on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.